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EXAMINER	
SKED, MATTHEW J	

ART UNIT	PAPER NUMBER
2626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/964,395	SHERWOOD, AMY L.	
	Examiner	Art Unit	
	Matthew J. Sked	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-41 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-41 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-41 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-9, 18-24 and 37-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ortega et al. (U.S. Pat. 6,535,848) in view of Luzeski et al. (U.S. Pat. 6,430,177) and taken in further view of Iwase et al. (U.S. Pat Pub. 2002/0097262A1).

As per claims 1 and 18, Ortega teaches a system for transcribing a recorded message, the system comprising:

a storing device for storing a recorded message for a recipient of the recorded message, for playing back the recorded message to the recipient in response to the recipient attempting access to the recorded message (stores the speech in a memory device, col. 4, lines 48-51);

for prompting the recipient to select an action to be performed for the recorded message after the recorded message has been played back and in

response to the recipient attempting to access the recorded message (user is given the option to preview the message and following the preview the user would be prompted to select to transcribe, preview the audio again or cancel, col. 9, lines 14-15, 33-44 and Fig. 6, elements 608 and 612);

receiving a selection from the recipient to transcribe the recorded message in response to the prompt (user selects the transcribe option, col. 10, line 65 to col. 11, line 4);

a transcription device, in communication with the storing device, for transcribing a recorded message into a computer file upon the storage device receiving the selection from the recipient to transcribe the recorded message (transcription computer accesses the multiple recorded speech files from storage, col. 3, lines 20-29); and

an archival device, in communication with the transcription device, for reading the computer file and outputting or storing a transcribed version of the recorded message (stores a textual representation of the converted phrases, col. 11, lines 29-34).

Ortega does not teach an Internet site of a service provider that receives recipient-designated assignments to archival devices.

Luzeski teaches a universal messaging system that provides the access of e-mail, voice-mail and fax-mail messages through a web browser (abstract).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Ortega to allow access over the Internet as taught by Luzeski because it would allow the messages to be accessed and

manipulated from anywhere in the world an Internet connection is present hence making the system more marketable and facilitating use.

Ortega and Luzeski do not teach a plurality of archival devices assigned to recipient designated numeric options stored in a memory thus allowing the recipient to select the numeric option corresponding to the archival device in order to select it.

Iwase teaches a system for choosing peripheral devices wherein the choice of peripherals is given to the user with corresponding numeric options such that the user need only choose the number to select the corresponding peripheral device (paragraphs 99, 151 and 152 and Fig. 16).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Ortega and Luzeski to have a plurality of archival devices assigned to recipient designated numeric options stored in a memory thus allowing the recipient to select the numeric option corresponding to the archival device in order to select it as taught by Iwase because it would give an easy to use interface that would allow the recipient to choose an appropriate device to send the message.

4. As per claims 2 and 19, Ortega does not teach the storing device is a voicemail system.

Luzeski teaches the storing device is voicemail (abstract).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Ortega so the storing device is a voicemail

system as taught by Luzeski because it would allow the system to be incorporated in a telephonic system hence making the system more marketable.

5. As per claims 3, 5, 7, 20, 22, 24, 38, 40 and 41, Ortega does not teach the archival device to be email or a facsimile machine.

Luzeski teaches the storing device is a voice messaging system, e-mail or fax (abstract).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Ortega to have the archival device be email or a facsimile machine as taught by Luzeski because it would allow the transcription to be sent to a remote user hence facilitating use.

6. As per claims 4 and 21, Ortega teaches the transcription device is an integral part of the storing device (transcription and recording device could be directly linked, col. 3, lines 36-40).

7. As per claims 6, 23 and 39, Ortega and Luzeski do not teach the archival device to be a printer.

Iwase teaches that the archival device to be a printer (Fig. 8, element 86).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Ortega and Luzeski to have the archival device be a printer as taught by Iwase because it would give a hard copy transcription of the voice message hence facilitating use for the user.

8. As per claims 8, Ortega teaches a system for transcribing a recorded message, the system comprising:

a storing device for storing a recorded message for a recipient of the recorded message, for playing back the recorded message to the recipient in response to the recipient attempting access to the recorded message (stores the speech in a memory device, col. 4, lines 48-51);

for prompting the recipient to select an action to be performed for the recorded message after the recorded message has been played back and in response to the recipient attempting to access the recorded message (user is given the option to preview the message and following the preview the user would be prompted to select to transcribe, preview the audio again or cancel, col. 9, lines 14-15, 33-44 and Fig. 6, elements 608 and 612);

receiving a selection from the recipient to transcribe the recorded message in response to the prompt (user selects the transcribe option, col. 10, line 65 to col. 11, line 4);

a transcription device, in communication with the storing device, for transcribing a recorded message into a computer file upon the storage device receiving the selection from the recipient to transcribe the recorded message (transcription computer accesses the multiple recorded speech files from storage, col. 3, lines 20-29); and

an archival device, in communication with the transcription device, for reading the computer file and outputting or storing a transcribed version of the recorded message (stores a textual representation of the converted phrases, col. 11, lines 29-34).

Ortega does not teach the storing device is a voicemail system.

Luzeski teaches the storing device is voicemail (abstract).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Ortega so the storing device is a voicemail system as taught by Luzeski because it would allow the system to be incorporated in a telephonic system hence making the system more marketable.

Ortega and Luzeski do not teach a plurality of archival devices assigned to recipient designated numeric options stored in a memory thus allowing the recipient to select the numeric option corresponding to the archival device in order to select it.

Iwase teaches a system for choosing peripheral devices wherein the choice of peripherals is given to the user with corresponding numeric options such that the user need only choose the number to select the corresponding peripheral device (paragraphs 99, 151 and 152 and Fig. 16).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Ortega and Luzeski to have a plurality of archival devices assigned to recipient designated numeric options stored in a memory thus allowing the recipient to select the numeric option corresponding to the archival device in order to select it as taught by Iwase because it would give an easy to use interface that would allow the recipient to choose an appropriate device to send the message.

9. As per claim 9, Ortega teaches the transcription device is an integral part of the storing device (transcription and recording device could be directly linked, col. 3, lines 36-40).

10. As per claims 37, Ortega teaches a system for transcribing a recorded message, the system comprising:

a storing device for storing a recorded message for a recipient of the recorded message, for playing back the recorded message to the recipient in response to the recipient attempting access to the recorded message (stores the speech in a memory device, col. 4, lines 48-51);

for prompting the recipient to select an action to be performed for the recorded message after the recorded message has been played back and in response to the recipient attempting to access the recorded message (user is given the option to preview the message and following the preview the user would be prompted to select to transcribe, preview the audio again or cancel, col. 9, lines 14-15, 33-44 and Fig. 6, elements 608 and 612);

receiving a selection from the recipient to transcribe the recorded message in response to the prompt (user selects the transcribe option, col. 10, line 65 to col. 11, line 4);

a transcription device, in communication with the storing device, for transcribing a recorded message into a computer file upon the storage device receiving the selection from the recipient to transcribe the recorded message (transcription computer accesses the multiple recorded speech files from storage, col. 3, lines 20-29); and

an archival device, in communication with the transcription device, for reading the computer file and outputting or storing a transcribed version of the

recorded message (stores a textual representation of the converted phrases, col. 11, lines 29-34).

Ortega does not teach an Internet site of a service provider that receives recipient-designated assignments to archival devices.

Luzeski teaches a universal messaging system that provides the access of e-mail, voice-mail and fax-mail messages through a web browser (abstract).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Ortega to allow access over the Internet as taught by Luzeski because it would allow the messages to be accessed and manipulated from anywhere in the world an Internet connection is present hence making the system more marketable and facilitating use.

Ortega does not teach the storing device is a voicemail system.

Luzeski teaches the storing device is voicemail (abstract).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Ortega so the storing device is a voicemail system as taught by Luzeski because it would allow the system to be incorporated in a telephonic system hence making the system more marketable.

Ortega and Luzeski do not teach a plurality of archival devices assigned to recipient designated numeric options stored in a memory thus allowing the recipient to select the numeric option corresponding to the archival device in order to select it.

Iwase teaches a system for choosing peripheral devices wherein the choice of peripherals is given to the user with corresponding numeric options

such that the user need only choose the number to select the corresponding peripheral device (paragraphs 99, 151 and 152 and Fig. 16).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Ortega and Luzeski to have a plurality of archival devices assigned to recipient designated numeric options stored in a memory thus allowing the recipient to select the numeric option corresponding to the archival device in order to select it as taught by Iwase because it would give an easy to use interface that would allow the recipient to choose an appropriate device to send the message.

11. Claims 10-17 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ortega in view of Iwase and taken in further view of Padmanabhan et al. (U.S. Pat. 6,219,638).

As per claim 10 and 25, Ortega teaches a system for transcribing a recorded message, the system comprising:

a storing device for storing a recorded message for a recipient of the recorded message, for playing back the recorded message to the recipient in response to the recipient attempting access to the recorded message (stores the speech in a memory device, col. 4, lines 48-51);

for prompting the recipient to select an action to be performed for the recorded message after the recorded message has been played back and in response to the recipient attempting to access the recorded message (user is given the option to preview the message and following the preview the user

would be prompted to select to transcribe, preview the audio again or cancel, col. 9, lines 14-15, 33-44 and Fig. 6, elements 608 and 612);

receiving a selection from the recipient to transcribe the recorded message in response to the prompt (user selects the transcribe option, col. 10, line 65 to col. 11, line 4);

a transcription device, in communication with the storing device, for transcribing a recorded message into a computer file upon the storage device receiving the selection from the recipient to transcribe the recorded message (transcription computer accesses the multiple recorded speech files from storage, col. 3, lines 20-29); and

an archival device, in communication with the transcription device, for reading the computer file and outputting or storing a transcribed version of the recorded message (stores a textual representation of the converted phrases, col. 11, lines 29-34).

Ortega does not teach a plurality of archival devices assigned to recipient designated numeric options stored in a memory thus allowing the recipient to select the numeric option corresponding to the archival device in order to select it and a plurality of ports of the converting of archival devices, each of the ports being associated with the assigned numeric options such that the converting device outputs the transcribed message via the port that is associated with the numeric option

Iwase teaches a system for choosing peripheral devices wherein the choice of peripherals is given to the user with corresponding numeric options

such that the user need only choose the number to select the corresponding peripheral device (paragraphs 99, 151 and 152 and Fig. 16) and the peripheral devices are connected by different means hence inferring they are connected by different ports such that a chosen numeric option would correspond to the port (paragraphs 87-106).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Ortega to have a plurality of archival devices assigned to recipient designated numeric options stored in a memory thus allowing the recipient to select the numeric option corresponding to the archival device in order to select it as taught by Iwase because it would give an easy to use interface that would allow the recipient to choose an appropriate device to send the message.

Ortega and Iwase do not teach a converting device for converting the text file to different formats that are recognized by different recording devices and a plurality of archival devices, each archival device in communication with the converting device and capable or reading a recognized format of the text file and outputting or storing a transcribed version of the recorded message.

Padmanabhan teaches a converting device for converting the text file to at least one of different formats that are recognized by different recording devices (sends the data via email, fax or page hence it must inherently have a converting device to change between these formats, col. 4, lines 62-67); and

a plurality of archival devices, each archival device in communication with the converting device and capable or reading a recognized format of the text file

and outputting or storing a transcribed version of the recorded message (sends the data via email, fax or pager, col. 4, lines 62-67).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system to modify the system of Ortega and Iwase to have a converting device for converting the text file to different formats that are recognized by different,recording devices and a plurality of archival devices, each archival device in communication with the converting device and capable or reading a recognized format of the text file and outputting or storing a transcribed version of the recorded message as taught by Padmanabhan because this would allow the transcription system to operate with multiple well known text based devices hence making the system more versatile.

12. As per claims 11, 12, 15 and 31-32, Ortega and Iwase do not teach the archival device to be a voicemail system, email and telephonic answering machine.

Padmanabhan teaches the storing device is a voicemail system, email and answering machine (Fig. 1, elements 18 and 22).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Ortega and Iwase so the storing device is a voicemail system as taught by Padmanabhan because it would allow the system to be incorporated in a telephonic and network system hence making the system more marketable.

13. As per claims 13 and 26, Ortega teaches the transcription device is an integral part of the storing device (transcription and recording device could be directly linked, col. 3, lines 36-40).

14. As per claim 14, Ortega and Iwase do not teach the converting device is an integral part of the storing device.

Padmanabhan teaches the converting device is an integral part of the storing device (message server is connected with the speech recognition server through the telephony server, col. 4, lines 62-67).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Ortega and Iwase so the converting device is an integral part of the storing device as taught by Padmanabhan because it would ensure the data would not have to be transmitted hence saving processing time.

15. As per claims 16, 17, 28 and 29, Ortega does not teach the archival devices to be a printer or facsimile machine.

Iwase teaches that the archival device to be a printer and fax (Fig. 8, elements 86 and 87).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Ortega to have the archival device be a printer or fax as taught by Iwase because it would give a hard copy transcription of the voice message and allow the transcription to be sent to a remote location hence facilitating use for the user.

16. Claims 30 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ortega in view of Iwase.

As per claim 30, Ortega teaches a method of transcribing a recorded message, the method comprising:

accessing, by a recipient, a storing device storing a recorded message for the recipient to thereby access the recorded message (selects files to transcribe from memory, col. 7, lines 20-31);

listening, by the recipient, to the recorded message (user previews the message, Fig. 6, element 612); and

in response to accessing the listening to the recorded message, responding, by the recipient, to a prompt for an action for the recorded message by indicating that the recorded message should be transcribed (user is given the option to preview the message and following the preview the user would be prompted to select to transcribe, preview the audio again or cancel, col. 9, lines 14-15, 33-44 and Fig. 6, elements 608 and 612).

Ortega does not teach a plurality of archival devices assigned to recipient designated numeric options stored in a memory thus allowing the recipient to select the numeric option corresponding to the archival device in order to select it and a plurality of ports of the converting of archival devices, each of the ports being associated with the assigned numeric options such that the converting device outputs the transcribed message via the port that is associated with the numeric option

Iwase teaches a system for choosing peripheral devices wherein the choice of peripherals is given to the user with corresponding numeric options such that the user need only choose the number to select the corresponding peripheral device (paragraphs 99, 151 and 152 and Fig. 16) and the peripheral devices are connected by different means hence inferring they are connected by different ports such that a chosen numeric option would correspond to the port (paragraphs 87-106).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Ortega to have a plurality of archival devices assigned to recipient designated numeric options stored in a memory thus allowing the recipient to select the numeric option corresponding to the archival device in order to select it as taught by Iwase because it would give an easy to use interface that would allow the recipient to choose an appropriate device to send the message.

17. As per claims 34-36, Ortega does not teach the archival devices to be a printer or facsimile machine.

Iwase teaches that the archival device to be a printer and fax (Fig. 8, elements 86 and 87).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Ortega to have the archival device be a printer or fax as taught by Iwase because it would give a hard copy transcription of the voice message and allow the transcription to be sent to a remote location hence facilitating use for the user.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kanevsky et al. (U.S. Pat. 7,075,671) and Cannon et al. (U.S. Pat. 7.103.154) teach systems for forwarding electronic messages to a plurality of archival devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Sked whose telephone number is (571) 272-7627. The examiner can normally be reached on Mon-Fri (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MS
8/20/07

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